

Stoltmann Law Offices, P.C.

161 North Clark Street, Suite 1600, Chicago, Wisconsin 60601
2000 W. Center Drive, Ste. East C218, Hoffman Estates, IL 60192
Telephone 312-332-4200 Facsimile 312-332-4201
www.stoltmannlaw.com

November 9, 2023

VIA ECF AND EMAIL

Hon. Judge Willis
40 Foley Square, Room 425
United States District Court
Southern District of New York
New York, NY 10007
WillisNYSDChambers@nysd.uscourts.gov

RE: *Wentworth Management Services, LLC v. Beckingham et al*
United States District Court for the Southern District of New York, Case No. 1:23-cv-02660-LGS

Dear Judge Willis:

We represent the Defendants in the above-captioned matter which was referred by Judge Schofield to you for a settlement conference. Defendants write to you per your Standing Order for Cases Referred for Settlement Conferences dated August 23, 2022 requesting that the requirement for the Defendants in-person participation in the settlement conference be waived.

By way of background, this litigation relates to two (2) FINRA arbitration proceedings in which the Defendants are pursuing claims against the Plaintiff's affiliate (Cabot Lodge Securities) to recover the investment losses they suffered in bonds that they were sold in a company that went bankrupt in 2022. Defendants previously attempted to add Plaintiff as a party to those arbitrations as a "control person" of its affiliate as defined under the Colorado Securities Act. Those efforts prompted this litigation.

The Defendants are individual investors that reside more than 100 miles from New York (mostly in and around Denver, Colorado). The Defendants intend to file a motion to dismiss based in part on improper venue, given that they had no contact with New York during the relevant time periods.

This litigation does not relate to damages, as the primary remedies sought by Plaintiff are (i) declaratory relief that it is not a "control person" of Cabot Lodge Securities, and (ii) a permanent injunction staying two FINRA arbitration proceedings against Plaintiff. However, Defendants are no longer seeking to add Plaintiff as a "control person" in the underlying FINRA arbitrations and are willing to stipulate that they have not and would not allege that Plaintiff is a "control person" for purposes of the Securities Exchange Act of 1934, 15 U.S.C. § 78a et seq., in this proceeding or any other legal action or arbitration.

Given this procedural posture along with the fact that the Defendants would have little to add to the technical legal issues, it would be a great hardship and expense for each of these Defendants to travel to New York to attend a settlement conference in-person.

As a result, Defendants respectfully request that Judge Willis WAIVE the in-person hearing participation for the Defendants. Counsel for Defendants will be present in-person, and the Defendants can be made available via telephone. The Defendants appreciate Judge Willis' consideration of this request.

Respectfully Submitted:

/s/ Joseph R. Wojciechowski

cc: Ms. Kari Parks, Esq. (Counsel for Plaintiff – Via ECF Filing)

Joseph R. Wojciechowski – *Pro Hac Vice*
Counsel for Defendants
Stoltmann Law Offices, P.C.
2000 Center Drive, Ste. East C218
Hoffman Estates, IL 60192
312-332-4200
joe@stoltlaw.com

Joshua B. Kons – *Pro Hac Vice*
Counsel for Defendants
Law Offices of Joshua B. Kons, LLC
92 Hopmeadow St., Lower Level
Weatogue, Connecticut 06089
PH: (860) 920-5181
joshuakons@konslaw.com

Michael M. Steinmetz, Esq.
Garson, Segal, Steinmetz, Fladgate, LLP
164 West 25th St., 11R
New York, NY 10001
212-380-3623
ms@gs2law.com